

REMARKS

In the final Office Action mailed June 3, 2004, the Claims 5-11 and 24 were rejected under 35 USC §101 as being directed to non-statutory subject matter; Claims 5-11, 21, and 24 were rejected under 35 USC §101 as lacking patentable utility; Claims 5-11, 21, and 24 were rejected under 35 USC §112, first paragraph as failing to comply with the enablement requirement; and Claims 5 and 21 were rejected under 35 USC §112, second paragraph as being indefinite. The foregoing rejections are respectfully traversed.

In accordance with the foregoing, independent Claims 5 and 21 have been amended. Claims 5-11, 21, and 24 are pending and under consideration. No new matter is presented.

Support for the foregoing amendments to Claims 5 and 21 is found in the specification and drawings as filed.

The foregoing independent Claims 5 and 21 have been amended to recite that the "three-dimensional structures" are "at least one of a protein molecule" and the "first and second point sets" are sequence listings. Support for this amendment can be found at least on pages 7 and 28 of the specification.

Amended independent Claims 5 and 21 therefore provide a method and apparatus, respectively, for analyzing a protein molecule. This amendment to Claims 5 and 21 sets forth at least the usefulness of the present invention to overcome the 35 USC §101 rejections.

Further, independent Claims 5 and 21 are amended to recite "the condition" to be satisfied in the superposition calculating unit by describing "the condition" to be satisfied. According to amended independent Claims 5 and 21 this "condition" includes "generating an optimum combination...and refining the elements of the first and second point sets based on at least one of an attribute of the elements of the first and second point sets". Support for the amendment defining "the condition" can be found at least on pages 30-37 of the specification.

Amended independent Claims 5 and 21 therefore provide a description of the "condition" to be satisfied based on the "sequence listings defining the first and second three-dimensional structures". This amended to Claims 5 and 21 overcomes at least the 35 USC §112(1) and 35 USC §112(2) rejections of lack of enablement and indefiniteness, respectively.

As the foregoing amendments to independent Claims 5 and 21 recite tangible, useful, and concrete results generated by analyzing three-dimensional structures such as protein molecules, Claims 5 and 21 overcome the foregoing rejections. Dependent Claims 6-11 and 24

also overcome the foregoing rejections as being dependent directly or indirectly from amended independent Claim 5.

Concluding Remarks –

Withdrawal of the foregoing rejections of Claims 5-11, 21, and 24 is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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